IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15485 of 2004

Between:

Mr. Mohd. Shafeeq Ajamal, S/o Eshaan Usmaan,
R/o H.No. 11-3-A/27, Mallepally, Hyderabad, rep. by

His GPA Holder Mr. Mirza Dilawar Baig,
S/so Mirza Khursheed Baig , Age 44 years,Business, R/o

H.No. 12-2-830/4, Alapatinagar, Mehdipatnam, Hyd.

... PETITIONER

AND

1 The District Registrar and Collector, Under Sec. 47-A of I.S. Act, R.R.

District at 5-203/1, Moosapet Cross Roads, Hyderabad-18.
2 The Sub Registrar,Rajendranagar, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the action of the 1st respondent in not reviewing the decision of demanding Rs. 1,44,045/- towards deficit stamp duty in respect of the property covered by pending Reg.Doc.No. 43/97 of SRO Rajendernagar, as mentioned in final notice No. 1717/47/A/97 dt. 17-9-2001 despite representations dt. 12-9-2002 and 16-7-2004 as illegal, arbitrary, and violative of principles of natural justice and conseqeuntly direct the 1st respondent to release the said pending document without any further delay.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following Order.

ORDER:

When the Sale Deed in favour of the petitioner was presented by the petitioner's vendor, the same was referred to the District Registrar and Collector under Section 47-A of the Indian Stamp Act by the Sub-Registrar, Rajendranagar – second respondent herein, the first respondent – District Registrar determined the market value of the land and the stamp duty payable on such market value and ordered the petitioner to pay Rs.1,44,045/- on or before 29-04-2003, by an order dated
25-01-2003. On passing such order, the petitioner made a representation for reviewing the same and filed the present Writ Petition stating inaction on the part of the first respondent in not reviewing the decision as arbitrary, illegal and issuance of final notice dated 16-07-2004 is in violation of principles of natural justice and to set aside the same.

2. Admittedly against the order passed by the District Registrar under Section 47-A of the Indian Stamp Act (for short 'the Act'), if aggrieved, the petitioner can file an appeal to the appellate authority prescribed under subsection 5 of Section 47-A. Once a quasi judicial authority determined the liability, unless statute confers the review power on the said authority, the petitioner cannot insist that the said order should be reviewed nor can he seek a Mandamus directing the authority to review it's order.

3. Learned counsel for the petitioner is not able to substantiate his plea that the first respondent was conferred with review power under the statute to review his own order. In absence of the same, the direction sought for in the Writ Petition cannot be granted.
I do not see any merits in this Writ Petition and it is accordingly dismissed. No costs.

A. **GOPAL REDDY, J**

August 31, 2004

MRR/MURTHY

To:

1 The District Registrar and Collector, Under Sec. 47-A of I.S. Act, R.R. District at 5-203/1, Moosapet Cross Roads, Hyderabad-18.

2 The Sub Registrar,Rajendranagar, Ranga Reddy District.

3 Two C.C.s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4 Two C.D. Copies.